

REMARKS

Applicant feels that no corrected drawing sheet need be submitted in order to provide a basis for the elements claimed in this case, and requests that the requirement for a proposed drawing correction be held in abeyance, along with the requirement for a formal set of drawings in this case.

It is submitted that Fig. 8 as filed provides an adequate disclosure of the elements claimed in this case, and the specification has been amended to reflect the Examiner's requirement that the elongated slot be more specifically described with reference to these drawings.

No new matter has been added to the application, the language added to the specification has been taken directly from the claims as filed.

The Examiner has objected to the use of the term "flanged collar" and the use of the term "plate" to identify the part carrying the reference numeral 10. However, Applicant is not aware that reference to a particular part cannot be made by two terms in the alternative. In this case, the first embodiment shows a split collar arrangement that has been replaced in the second version of the invention with the plate 10. The plate 10 is provided with tabs 12, 12 that are circumaxially spaced along the center line of the conduit and of the opening in the rear side of the box 14 that is received on this collar arrangement.

Finally, the Applicant has complied with the Examiner's suggestion in amending claim 1 to read intumescent material, and to replace "wire" with "wires".

Turing now to the rejection made by the Examiner in the outstanding Office Action based upon the combination of prior art patents to Rose and Kwake (U.S. Patent Nos. 6,252,167 and 2,599,569 respectively); Applicant notes that 35 U.S.C. § 103 relates to the Examiner's burden of obviousness and for the following reasons Applicant respectfully requests reconsideration of the Examiner's conclusions with respect to obviousness.

The 1954 Kwake '569 Patent relates to the clamping of wires passing through a wall of a junction box or other enclosure. While the clamping means shown in Kwake does show a slot at the wall of the housing through which the wires are passed, there is no suggestion of providing intumescent material in the rectangular housing shown, nor is there any suggestion that the housing in Kwake be adapted to be secured to a conduit.

The Examiner relies upon the Rose '167 Patent reference for the teaching that intumescent materials may be provided in a rectangular "housing" in order to suppress a fire within an outlet box 12, shown in a wall structure 16. However, Rose does not show the intumescent material provided in that enclosure 12, but instead suggests that intumescent material be provided behind a face plate or cover 26 at the junction between the back side of the face plate 26 and the front open side of the housing 12. Here again, Rose fails to show or suggest a housing secured to a conduit, and fails to show or suggest intumescent material provided inside that housing as called for in the claims of the present application. Indeed, Rose suggests that a fire originating inside the rectangular housing 12 can be suppressed by the location for this intumescent material. The present application on the other hand, suggests that the intumescent material be provided in the housing called for in the claims so as to suppress a fire originating outside that housing, and thereby prevent fire from spreading through the conduit with which the housing is adapted for use, from one room or space to another room or space on the opposite side of a wall structure.

With respect to claim 2, the Examiner contends that the elongated slot is suggested in Kwake. However, and as pointed out previously, Kwake merely shows means for clamping wires, and such a feature is only one element in a combination of elements called for in the claims of the present case.

With respect to claim 3, Applicant concedes that housings and junction boxes are commonly made of metal in order to minimize distortion due to heat perhaps, and perhaps more significantly to provide effective grounding for the wiring contained in the junction box. In the present case, an important feature of the invention resides on the fact that the conduit can be made from any material whereas the heat sensitive intumescent material which is intended to block the

spread of smoke and flames through that conduit will withstand temperatures of the type encountered in a building fire for example. Hence the selection of metal is to withstand the heat generated by fire and/or smoke.

With respect to claim 4, the Examiner has overlooked the fact that the cited prior art references do not appear to be adapted for use with a conduit extending through a wall structure. Therefore, the conclusion reached by the Examiner that it would be obvious to provide a "housing" formed integrally with the means for securing that housing to the conduit is suspect. More particularly, the prior art references to Kwake and Rose fail to show or suggest any "means for securing the housing to the conduit". Since there is no conduit shown, it is clear that this limitation has not been met, nor can be considered obvious from the prior art cited.

The prior art generally, and the cited references in particular, fail to show or to suggest the unique combination called for in dependent claim 5.

Reconsideration of claim 6 is earnestly solicited for the reasons presented above, and for the reason that the Examiner has failed to find the unique arrangement for the means for securing the housing to the conduit comprises a plate having a conduit opening to receive the conduit, and the plate further defining tabs provided with fasteners to clamp the plate to the conduit. Separate fasteners are provided to secure the housing to the plate in the preferred embodiment of Figs. 6-8 inclusively. The wire clamping means formed integrally with the housing itself appears to be a feature not shown or suggested in the prior art generally or in the cited references in particular. While Kwake does show a one sided clamp for the wires illustrated in that patent, the clamp is separate from the housing rather than defined by the housing itself as called for in claim 6 for example.

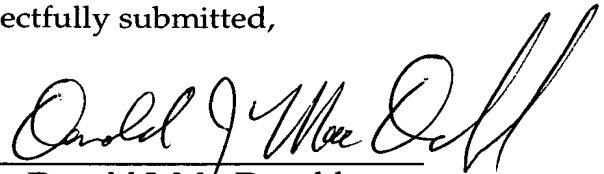
The elements of claims 7 and 8 have been discussed previously and will not be repeated herein. However, Applicant respectfully requests reconsideration of these claims as depending from earlier claims that have been distinguished over patentably by Applicant both in this response, and in the specification as filed.

Favorable reconsideration of this application is respectfully requested in light of the amendments made to independent claim 1 in particular, and in light of these

remarks. Should the Examiner have any questions on the claims as presented, or on Applicant's request to hold in advance the requirement for formal drawings, Applicant's attorney can be contacted collect at the telephone number listed below.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Donald J. MacDonald", written over a horizontal line.

Donald J. MacDonald
Registration No: 42,823
Attorney for Applicant

McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290